

**Illinois Department of Revenue
Regulations**

Title 86 Part 100 Section 100.9040 Referral of Delinquent Debt-Emergency

**TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE**

**PART 100
INCOME TAX**

**100.9040 Referral of Delinquent Debt
EMERGENCY**

Upon certification of delinquent debt from other State of Illinois agencies, *the Department of Revenue Debt Collection Bureau (Bureau) shall serve as the primary debt collection entity for the State of Illinois and in that role shall collect delinquent debt on behalf of agencies of the State* [30 ILCS 210/5].

- a) The Bureau will begin collection efforts only after the delinquent debts are certified to the Bureau by the referring agencies.
- 1) Agencies referring delinquent debt to the Bureau shall certify for each delinquent debt referred that the provisions of this rule have been complied with. No delinquent debt shall be referred to the Bureau until the referring agency has afforded the debtor notice and an opportunity to contest the amount of the debt. The debtor shall have no right to a hearing before the Bureau to contest the validity of the debt. The debtor shall be afforded notice and an opportunity to contest the debt by the referring agency prior to referral of the delinquent debt to the Bureau. No debt shall be referred to the Bureau until the debtor has been notified of the amount and basis for the debt, the potential referral of the debt to the Bureau, and the procedure and time limitations for contesting the validity of the debt. Unless disputed in writing within 90 days of the date of notice by the referring agency, a debt shall be considered undisputed, delinquent, and suitable for referral to the Bureau.
- 2) The Bureau lacks the statutory authority to begin collection activities on its own initiative with respect to any delinquent debt that has not been certified to the Bureau by the referring agency.
- 3) The Bureau has no authority to accept referrals for collection of delinquent debt from the public, from the courts, or from any other agency of local or federal government other than the agencies duly authorized by the statutes.
- 4) The Bureau shall have no obligation to collect debts secured by an interest in real property.
 - b) *Once a delinquent debt has been certified to the Bureau, the Bureau may collect the delinquency using all legal authority available to the Department of Revenue to collect debt and all legal authority available to the referring agency* [30 ILCS 210/5]. Specifically, the Bureau may use all collection methods authorized to collect tax debt as set forth in the various tax Acts.
 - c) The Bureau shall notify the referring agency when a delinquent debt or any portion of it has been collected. Any amount of the delinquent debt collected by the Bureau,

including any amount that results in overpayment of the delinquent debt, shall be deposited in, or transferred to the appropriate funds as specified by statute. Thereafter, referring agencies shall bear the responsibility for adjusting overpayments.

- d) The Bureau shall promptly deposit delinquent debt receipts in the General Revenue Fund unless otherwise directed by the referring agency or required by law. Thereafter, the referring agency shall be responsible for the distribution of delinquent debt collected by the Bureau. Allocation of delinquent debt collections shall be the responsibility of the referring agency.
- e) Delinquent debt certified to the Bureau shall be transmitted to the Bureau in an electronic format approved by the Bureau. Delinquent debt certified to the Bureau shall include such information as the Bureau shall require, including but not limited to:
 - 1) The identity of the debtor, including name, address and social security number.
 - 2) For business debtors, the name and type of business organization, business address, federal employers identification number, and owners and officers of the business.
 - 3) The nature and amount of the delinquent debt (including fees, penalties and interest).
 - 4) A brief description of the delinquent debt including date the debt was incurred.
 - 5) All action taken to collect the debt to date.
 - 6) All legal restrictions relating to collection of the debt.
- f) Delinquent debt that has been discharged in bankruptcy or that is currently in bankruptcy shall not be referred to the Bureau.
- g) The Bureau shall make every reasonable effort to collect delinquent debt using all collection tools available. If reasonable collection efforts prove unavailing, the Bureau may declare the delinquent debt uncollectible and return it to the referring agency which shall write the delinquent debt off as uncollectible pursuant to rules established by the Comptroller, or return the delinquent debt to the Bureau.
- h) The Bureau may refuse to accept referral of delinquent debt the Bureau has previously deemed uncollectible absent factual assertions by the referring agency that due to circumstances not known at the time the delinquent debt was deemed uncollectible additional collection efforts are warranted.
- i) Agencies should not utilize outside collection agencies prior to referring delinquent debt to the Bureau.
- j) The Bureau's responsibilities under this Subpart shall be subject to appropriation by the General Assembly.
- k) The Bureau shall employ qualified collections specialists to perform the requirements of this rule, subject to funding by the General Assembly.

(Source: Added by emergency rulemaking at 27 Ill. Reg. 18464 effective November 20, 2003, for a maximum of 150 days)